

**BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA**

**FILED**  
MAR 13 2015  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.  
DOAK, Insurance Commissioner,  
Petitioner,

vs.

MORTON CLARK, a licensed bail bondsman  
in the State of Oklahoma,

AND

AMERICAN CONTRACTORS INDEMNITY  
COMPANY, an insurance company licensed to  
act as bail surety in the State of Oklahoma,  
Respondents.

CASE NO. 15-0263-DIS

**CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel and alleges and states as follows:

**JURISDICTION**

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Respondent Morton Clark ("Clark") is a licensed bail bondsman in the State of Oklahoma holding license number 100181052.

3. Respondent American Contractors Indemnity Company ("ACIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 10216.

**FINDINGS OF FACT**

1. On or about September 24, 2014, an appearance bond was executed as follows:

Defendant:	Brandy Michelle Martinez
Case Number(s):	CM-2014-2390
City/County:	Oklahoma County Court Clerk
Insurer:	American Contractors Indemnity Company
Bondsman:	Morton Clark
Power Number(s):	A2-2103793
Bond Amount(s):	\$500

2. On November 6, 2014, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on November 13, 2014. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the Order's filing.

3. Clark's copy of the Order and Judgment of Forfeiture was received on November 15, 2014.

4. ACIC's copy of the Order and Judgment of Forfeiture was received on November 17, 2014.

5. The ninetieth (90<sup>th</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Friday, February 13, 2015.

6. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, February 17, 2015.

7. The bond forfeiture was paid late on Monday, February 23, 2015.

8. The Defendant was not returned to custody within 90 days, nor was the face amount of the forfeited bond deposited with the Court Clerk within 91 days, after receipt of the Order and Judgment of Forfeiture by Respondents.

9. The bond was reported.

### CONCLUSIONS OF LAW

1. The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332(D) by failing to return the Defendant within ninety (90) days or remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

2. Pursuant to 59 O.S. § 1310(B), any bondsman or company violating a provision of the Bail Bond Act, 59 O.S. §§ 1301-1340, may be subject to a fine of not less than \$250 but not more than \$2,500.

### ORDER

**IT IS THEREFORE ORDERED** that Morton Clark and American Contractors Indemnity Company are each **CENSURED** and **FINED** Two Hundred Fifty Dollars (\$250.00).

Respondents are further notified that they may request a hearing within 30 days of the receipt of this Order concerning this action, and upon such request, the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Dan R. Byrd, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112 and give an explanation of Respondents' actions alleged herein and any defenses thereto.

**If Respondents do not request a hearing within the 30 days allotted, this Order shall become a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, and the fines ordered herein shall be due.**

WITNESS My Hand and Official Seal this 13<sup>th</sup> day of March, 2015.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

\_\_\_\_\_  
Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125

**CERTIFICATE OF MAILING**

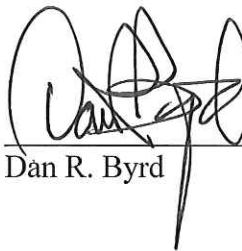
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 13<sup>th</sup> day of March, 2015, to:

Morton Clark  
523 Forster PL  
Midwest City, OK 73110

**CERTIFIED MAIL NO:  
7014 2870 0000 5492 7961**

American Contractors Indemnity Company  
601 South Figueroa Street, Suite 1600  
Los Angeles, CA 90017-5721

**CERTIFIED MAIL NO:  
7014 2870 0000 5492 7978**

  
\_\_\_\_\_  
Dan R. Byrd

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
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**OFFICIAL USE**

Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Total Postage & Fees

Sent To

Street & Apt. No.,  
or PO Box No.

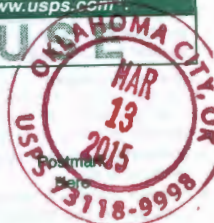
City, State, ZIP+4

Morton Clark  
523 Forster PL.  
Midwest City, OK 73110  
15-0263-DIS/DRB(mt)  
(Cond.Adm.Ord. ~3-13-15)

PS Form 3800, July 2014

See Reverse for Instructions

7014 2870 0000 5492 7961



**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Morton Clark  
523 Forster PL.  
Midwest City, OK 73110  
15-0263-DIS/DRB(mt)  
(Cond.Adm.Ord. ~3-13-15)

2. Article Number  
(Transfer from service label)

7014 2870 0000 5492 7961

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Morton Clark

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

523 Forster PL

MAR 18 2015

Legal Division

3. Service type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Restricted Delivery Fee  
(Endorsement Required)

Total Postage

Sent To

Street & Apt. No.  
or PO Box No.

City, State, ZIP+4

American Contractors Indemnity

Company

601 South Figueroa Street, Suite 1600

Los Angeles, CA 90017-5721

**15-0263-DIS/DRB(mt)**

**(Cond.Adm.Ord. ~3-13-15)**

PS Form 3800, July 2014

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Company  
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Los Angeles, CA 90017-5721  
**15-0263-DIS/DRB(mt)**  
**(Cond.Adm.Ord. ~3-13-15)**

2. Article Number  
(Transfer from service label)

7014 2870 0000 5492 7978

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3-17-15

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes